



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): Steve Mitchell

Appl. No.: 10/685,011

Confirm. No.: 4285

Filed: October 14, 2003

Title: ARTIFICIAL VERTEBRAL DISK

REPLACEMENT IMPLANT WITH A SPACER

PATENT APPLICATION

Art Unit: 3732

Examiner: David A. Bonderer

Customer No. 23910

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8**

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 8, 2005.

  
Suvashis Bhattacharya, Reg. No. 46,554  
Signature Date: February 8, 2005

(Attorney Signature)

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made, that the material is considered prior art, or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

***Enclosed with this statement are the following:***

- Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- The present application is being/was filed after June 30, 2003. In accordance with the pre-Official Gazette waiver of 37 CFR 1.98 (a)(2)(i) posted at pac/dapp/opla/preognotice/idswouscopies.htm, copies of cited U.S. patents and publications are not enclosed. Copies of cited foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR §1.98(a)(2), as still required.
- The present application is being/was filed after June 30, 2003. In accordance with the pre-Official Gazette waiver of 37 CFR 1.98 (a)(2)(i) posted at pac/dapp/opla/preognotice/idswouscopies.htm,

copies of cited U.S. patents and publications are not enclosed. Additionally, copies of cited foreign patent documents and non-patent literature, items marked with an asterisk(\*), are enclosed in accordance with 37 CFR §1.98(a)(2), as still required. The non-asterisked items were previously submitted in an Information Disclosure Statement by applicant in a parent application (see legend at end of Form PTO-1449), from which benefit under 35 USC §120 is claimed, which Information Disclosure Statement complies with the September 8, 2000 or subsequent revision of 37 CFR §1.98(a-c), as allowed under 37 CFR §1.98(d)(1).

- The present application is being/was filed after June 30, 2003. In accordance with the pre-Official Gazette waiver of 37 CFR 1.98 (a)(2)(i) posted at pac/dapp/opla/preognitice/idswouscopies.htm, copies of cited U.S. patents and publications are not enclosed. Additionally, all cited foreign patent documents and non-patent literature are not enclosed because they were previously submitted in an Information Disclosure Statement by applicant in a parent application (see legend at end of Form PTO-1449), from which benefit under 35 USC §120 is claimed, which Information Disclosure Statement complies with the September 8, 2000 or subsequent revision of 37 CFR §1.98(a-c), as allowed under 37 CFR §1.98(d)(1).
- The present application was filed prior to June 30, 2003. A copy of each cited document as required by 37 CFR §1.98 is enclosed.
- The present application was filed prior to June 30, 2003. A copy of each cited document as required by 37 CFR §1.98 is enclosed, marked by an asterisk (\*). The items not asterisked were previously submitted by applicant in a parent application (see Legend at end of Form PTO-1449), from which benefit under 35 USC §120 is claimed, with an Information Disclosure Statement submitted in the parent application which complies with the September 8, 2000 or subsequent revision of 37 CFR §1.98(a-c), as allowed under 37 CFR §1.98(d)(1).
- ✓ If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 CFR §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 CFR §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).
- **PTA Statement under 37 C.F.R. §1.704(d).** Each item of information contained in the *Information Disclosure Statement* was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the *Information Disclosure Statement*.

***This statement should be considered because:***

- ✓ **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:
  - (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);  
-- OR --

- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,  
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

— 37 C.F.R. §1.97(c). Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL Office Action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.  
-- AND (*check at least one of the following*) --
- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).  
-- OR --
- (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

— 37 C.F.R. §1.97(d). Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the Issue Fee;  
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);  
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

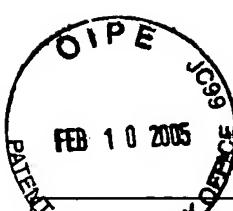
✓ **Fee Authorization.** The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: 2/8/05

By: S. Bhattacharya  
Suvashis Bhattacharya  
Reg. No. 46,554

Customer No. 23910  
FLIESLER MEYER LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone (415) 362-3800



U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE (Substitute)	Attorney Docket Number KLYCD-05010US1	Application Number 10/685,011
	First Named Inventor Steve Mitchell	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>	Filing Date 10/14/2003	Art Unit 3732

### U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	1.	2,456,806	Dec 21, 1948	E. B. Wolffe			
	2.	4,369,769	Jan 25, 1983	Edwards			
	3.	4,401,112	Aug 30, 1983	Rezaian			
	4.	4,479,491	Oct 30, 1984	Martin			
	5.	4,501,269	Feb 26, 1984	Bagby			
	6.	4,553,273	Nov 19, 1984	Wu			
	7.	4,554,914	Nov 26, 1985	Kapp et al			
	8.	4,599,084	Jul 8, 1986	Nashef			
	9.	4,599,086	Jul 8, 1986	Doty			
	10.	4,636,217	Jan 13, 1987	Ogilvie			
	11.	4,657,550	Apr 14, 1987	Daher			
	12.	4,685,447	Aug 11, 1987	Iversen et al			
	13.	4,696,290	Sep 29, 1987	Steffee			
	14.	4,714,469	Dec 22, 1987	Kenna			
	15.	4,743,256	May 10, 1988	Brantigan			
	16.	4,790,303	Dec 13, 1988	Steffee			
	17.	4,834,757	May 30, 1989	Brantigan			
	18.	4,904,261	Feb 27, 1990	Dove et al.			
	19.	4,932,975	Jun 12, 1990	Main et al.			
	20.	4,936,848	Jun 26, 1990	Bagby			

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	21.	4,961,740	Oct 9, 1990	Ray et al.			
	22.	4,969,888	Nov 13, 1990	Scholten et al.			
	23.	5,015,247	May 14, 1991	Michelson			
	24.	5,026,373	Jun 25, 1991	Ray et al.			
	25.	5,055,104	Oct 8, 1991	Ray			
	26.	5,059,193	Oct 22, 1991	Kuslich			
	27.	5,059,194	Oct 22, 1991	Michelson			
	28.	5,108,442	Apr 28, 1992	Smith			
	29.	5,167,662	Dec 1, 1992	Hayes et al.			
	30.	5,180,381	Jan 19, 1993	Aust et al.			
	31.	5,192,327	Mar 9, 1993	Brantigan			
	32.	5,263,953	Nov 23, 1993	Bagby			
	33.	5,290,312	Mar 1, 1994	Kojimoto et al.			
	34.	5,313,962	May 24, 1994	Obenchain			
	35.	5,314,478	May 24, 1994	Oka et al.			
	36.	5,336,223	Aug 9, 1994	Rogers			
	37.	5,350,397	Sep 27, 1994	Palermo et al.			
	38.	5,354,302	Oct 11, 1994	Ko			
	39.	5,360,430	Nov 1, 1994	Lin			
	40.	5,366,508	Nov 22, 1994	Brekke			
	41.	5,370,693	Dec 6, 1994	Kelman et al.			
	42.	5,375,823	Dec 27, 1994	Navas			
	43.	5,383,884	Jan 24, 1995	Summers			
	44.	5,395,317	Mar 7, 1995	Kambin			
	45.	5,395,372	Mar 7, 1995	Holt et al.			

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	46.	5,397,364	Mar 14, 1995	Kozak et al.			
	47.	5,415,704	May 16, 1995	Davidson			
	48.	5,423,816	Jun 13, 1993	Lin			
	49.	5,423,817	Jun 13, 1995	Lin			
	50.	5,425,772	Jun 20, 1995	Brantigan			
	51.	5,425,777	Jun 20, 1995	Sarkisian et al.			
	52.	5,431,658	Jul 11, 1995	Moskovich			
	53.	5,439,464	Aug 8, 1995	Shapiro			
	54.	5,443,514	Aug 22, 1995	Steffee			
	55.	5,443,515	Aug 22, 1995	Cohen et al.			
	56.	5,445,639	Aug 29, 1995	Kuslich et al.			
	57.	5,456,722	Oct 10, 1995	McLeod et al.			
	58.	5,458,638	Oct 17, 1995	Kuslich et al.			
	59.	5,458,641	Oct 17, 1995	Ramirez Jimenez			
	60.	5,480,401	Jan 2, 1996	Navas			
	61.	5,480,442	Jan 2, 1996	Bertagnoli			
	62.	5,484,437	Jan 16, 1996	Michelson			
	63.	5,489,307	Feb 6, 1996	Kuslich et al.			
	64.	5,489,308	Feb 6, 1996	Kuslich et al.			
	65.	5,505,732	Apr 9, 1996	Michelson			
	66.	5,522,899	Jun 4, 1996	Michelson			
	67.	5,531,793	Jul 2, 1996	Kelman et al.			
	68.	5,534,023	Jul 9, 1996	Henley			
	69.	5,534,031	Jul 9, 1996	Matsuzaki et al.			
	70.	5,540,689	Jul 30, 1996	Sanders et al.			

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	71.	5,571,109	Nov 5, 1996	Bertagnoli			
	72.	5,571,189	Nov 5, 1996	Kuslich			
	73.	5,571,190	Nov 5, 1996	Ulrich et al.			
	74.	5,571,192	Nov 5, 1996	Schönhöffer			
	75.	5,591,235	Jan 7, 1997	Kuslich			
	76.	5,593,409	Jan 14, 1997	Michelson			
	77.	5,599,279	Feb 4, 1997	Slotman et al.			
	78.	5,601,556	Feb 11, 1997	Pisharodi			
	79.	5,609,635	Mar 11, 1997	Michelson			
	80.	5,609,636	Mar 11, 1997	Kohrs et al.			
	81.	5,620,458	Apr 15, 1997	Green et al.			
	82.	5,645,592	Jul 8, 1997	Nicolais et al.			
	83.	5,645,598	Jul 8, 1997	Brosnahan, III			
	84.	5,653,761	Aug 5, 1997	Pisharodi			
	85.	5,653,762	Aug 5, 1997	Pisharodi			
	86.	5,658,335	Aug 19, 1997	Allen			
	87.	5,658,336	Aug 19, 1997	Pisharodi			
	88.	5,658,337	Aug 19, 1997	Kohrs et al.			
	89.	5,669,909	Sep 23, 1997	Zdeblick et al.			
	90.	5,683,463	Nov 4, 1997	Godefroy et al.			
	91.	5,683,464	Nov 4, 1997	Wagner et al.			
	92.	5,693,100	Dec 2, 1997	Pisharodi			
	93.	5,697,889	Dec 16, 1997	Slotman et al.			
	94.	5,697,977	Dec 16, 1997	Pisharodi			
	95.	5,700,292	Dec 23, 1997	Margulies			

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	96.	5,702,449	Dec 30, 1997	McKay			
	97.	5,702,455	Dec 30, 1997	Saggar			
	98.	5,716,415	Feb 10, 1998	Steffee			
	99.	5,741,253	Apr 21, 1998	Michelson			
	100.	5,755,732	May 26, 1998	Green et al.			
	101.	5,766,252	Jun 16, 1998	Henry et al.			
	102.	5,772,661	Jun 30, 1998	Michelson			
	103.	5,776,196	Jul 7, 1998	Matsuzaki et al.			
	104.	5,776,199	Jul 7, 1998	Michelson			
	105.	5,782,830	Jul 21, 1998	Farris			
	106.	5,782,919	Jul 21, 1998	Zdeblick et al.			
	107.	5,797,909	Aug 25, 1998	Michelson			
	108.	5,800,438	Sep 1, 1998	Tuke et al.			
	109.	5,800,550	Sep 1, 1998	Sertich			
	110.	5,836,948	Nov 17, 1998	Zucherman et al.			
	111.	5,860,973	Jan 19, 1999	Michelson			
	112.	5,860,977	Jan 19, 1999	Zucherman et al.			
	113.	5,876,404	Mar 2, 1999	Zucherman et al.			
	114.	5,885,292	Mar 23, 1999	Moskovitz et al.			
	115.	5,885,299	Mar 23, 1999	Winslow et al.			
	116.	5,888,222	Mar 30, 1999	Coates et al.			
	117.	5,888,224	Mar 30, 1999	Beckers et al.			
	118.	5,891,147	Apr 6, 1999	Moskovitz et al.			
	119.	5,893,890	Apr 13, 1999	Pisharodi			
	120.	5,895,426	Apr 20, 1999	Scarborough et al.			

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	121.	5,895,427	Apr 20, 1999	Kuslich et al.			
	122.	5,906,616	May 25, 1999	Pavlov et al.			
	123.	5,944,754	Aug 31, 1999	Vacanti			
	124.	5,945,115	Aug 31, 1999	Dunn et al.			
	125.	5,961,554	Oct 5, 1999	Jamson et al.			
	126.	5,980,572	Nov 9, 1999	Kim et al.			
	127.	5,984,967	Nov 16, 1999	Zdeblick et al.			
	128.	5,989,291	Nov 23, 1999	Ralph et al.			
	129.	6,004,573	Dec 21, 1999	Rathi et al.			
	130.	6,005,162	Dec 21, 1999	Constantz			
	131.	6,019,792	Feb 1, 2000	Cauthen			
	132.	6,019,793	Feb 1, 2000	Perren et al.			
	133.	6,039,761	Mar 21, 2000	Li et al.			
	134.	6,042,582	Mar 28, 2000	Ray			
	135.	6,045,579	Apr 4, 2000	Hochshuler et al.			
	136.	6,045,580	Apr 4, 2000	Scarborough et al.			
	137.	6,051,648	Apr 18, 2000	Rhee et al.			
	138.	6,074,390	Jun 13, 2000	Zucherman et al			
	139.	6,080,155	Jun 27, 2000	Michelson			
	140.	6,080,158	Jun 27, 2000	Lin			
	141.	6,080,193	Jun 27, 2000	Hochshuler et al.			
	142.	6,086,613	Jul 11, 2000	Camino et al.			
	143.	6,090,112	Jul 18, 2000	Zucherman et al.			
	144.	6,096,038	Aug 1, 2000	Michelson			
	145.	6,096,080	Aug 1, 2000	Nicholson et al.			

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	146.	6,099,531	Aug 8, 2000	Bonutti			
	147.	6,102,950	Aug 15, 2000	Vaccaro			
	148.	6,111,164	Aug 29, 2000	Rainey et al.			
	149.	6,113,638	Sep 5, 2000	Williams et al.			
	150.	6,113,639	Sep 5, 2000	Ray et al.			
	151.	6,120,502	Sep 19, 2000	Michelson			
	152.	6,120,503	Sep 19, 2000	Michelson			
	153.	6,123,705	Sep 26, 2000	Michelson			
	154.	6,126,689	Oct 3, 2000	Brett			
	155.	6,127,597	Oct 3, 2000	Beyar et al.			
	156.	6,129,763	Oct 10, 2000	Chauvin et al.			
	157.	6,132,430	Oct 17, 2000	Wagner			
	158.	6,136,001	Oct 24, 2000	Michelson			
	159.	6,149,650	Nov 21, 2000	Michelson			
	160.	6,149,652	Nov 21, 2000	Zucherman et al.			
	161.	6,149,686	Nov 21, 2000	Kuslich et al.			
	162.	6,152,926	Nov 28, 2000	Zucherman et al.			
	163.	6,156,038	Dec 5, 2000	Zucherman et al.			
	164.	6,159,215	Dec 12, 2000	Urbahns et al.			
	165.	6,176,882 B1	Jan 23, 2001	Biedermann et al.			
	166.	6,179,874 B1	Jan 30, 2001	Cauthen			
	167.	6,183,471 B1	Feb 6, 2001	Zucherman et al.			
	168.	6,190,387 B1	Feb 20, 2001	Zucherman et al.			
	169.	6,193,757 B1	Feb 27, 2001	Foley et al.			
	170.	6,206,922 B1	Mar 27, 2001	Zdeblick et al.			

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	171.	6,210,412 B1	Apr 3, 2001	Michelson			
	172.	6,224,595 B1	May 1, 2001	Michelson			
	173.	6,224,631 B1	May 1, 2001	Kohrs			
	174.	6,228,118 B1	May 8, 2001	Gordon			
	175.	6,231,609 B1	May 15, 2001	Mehdizadeh			
	176.	6,234,705	May 22, 2001	Troxell			
	177.	6,235,030 B1	May 22, 2001	Zucherman et al.			
	178.	6,238,397 B1	May 29, 2001	Zucherman et al.			
	179.	6,241,769 B1	Jun 5, 2001	Nicholson et al.			
	180.	6,241,770 B1	Jun 5, 2001	Michelson			
	181.	6,241,771 B1	Jun 5, 2001	Gresser et al.			
	182.	6,245,072 B1	Jun 12, 2001	Zdeblick et al.			
	183.	6,245,108	Jun 12, 2001	Biscup			
	184.	6,261,296	Jul 17, 2001	Aebi et al.			
	185.	6,264,655 B1	Jul 24, 2001	Pisharodi			
	186.	6,264,656 B1	Jul 24, 2001	Michelson			
	187.	6,264,695 B1	Jul 24, 2001	Stoy			
	188.	6,270,498 B1	Aug 7, 2001	Michelson			
	189.	6,277,149 B1	Aug 21, 2001	Boyle et al.			
	190.	6,280,444	Aug 28, 2001	Zucherman et al.			
	191.	6,280,475	Aug 28, 2001	Bao et al.			
	192.	6,287,343 B1	Sep 11, 2001	Kuslich et al.			
	193.	6,296,664 B1	Oct 2, 2001	Middleton			
	194.	6,296,665 B1	Oct 2, 2001	Strnad et al.			
	195.	6,302,914 B1	Oct 16, 2001	Michelson			

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	196.	6,309,421 B1	Oct 30, 2001	Pisharodi			
	197.	6,311,562 B1	Nov 6, 2001	Hanada			
	198.	6,315,795 B1	Nov 13, 2001	Scarborough et al.			
	199.	6,315,797 B1	Nov 13, 2001	Middleton			
	200.	6,325,827 B1	Dec 4, 2001	Lin			
	201.	6,332,882 B1	Dec 25, 2001	Zucherman et al.			
	202.	6,332,883 B1	Dec 25, 2001	Zucherman et al.			
	203.	6,342,074 B1	Jan 29, 2002	Simpson			
	204.	6,348,071 B1	Feb 19, 2001	Steffee et al.			
	205.	6,350,283 B1	Feb 26, 2001	Michelson			
	206.	6,364,880 B1	Apr 2, 2002	Michelson			
	207.	6,368,350 B1	Apr 9, 2002	Erickson et al.			
	208.	6,371,984	Apr 16, 2002	Van Dyke et al.			
	209.	6,371,988 B1	Apr 16, 2002	Pafford et al.			
	210.	6,371,989 B1	Apr 16, 2002	Chauvin et al.			
	211.	6,379,355 B1	Apr 30, 2002	Zucherman et al.			
	212.	6,379,385 B1	Apr 30, 2002	Kalas et al.			
	213.	6,383,221 B1	May 7, 2002	Scarborough et al.			
	214.	6,391,030 B1	May 21, 2002	Wagner et al.			
	215.	6,391,058 B1	May 21, 2002	Kuslich et al.			
	216.	6,395,030	May 28, 2002	Songer et al.			
	217.	6,395,031	May 28, 2002	Foley et al.			
	218.	6,395,032	May 28, 2002	Gauchet			
	219.	6,395,034 B1	May 28, 2002	Suddaby			
	220.	6,402,785	Jun 11, 2002	Zdeblick et al.			

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	221.	6,409,766 B1	Jun 25, 2002	Brett			
	222.	6,413,278 B1	Jul 2, 2002	Marchosky			
	223.	6,416,551 B1	Jul 9, 2002	Keller			
	224.	6,419,676	Jul 16, 2002	Zucherman et al.			
	225.	6,419,677 B1	Jul 16, 2002	Zucherman et al.			
	226.	6,419,704 B1	Jul 16, 2002	Ferree			
	227.	6,419,706 B1	Jul 16, 2002	Graf			
	228.	6,423,063 B1	Jul 23, 2002	Bonutti			
	229.	6,423,095 B1	Jul 23, 2002	Van Hoech et al.			
	230.	6,425,920 B1	Jul 30, 2002	Hamada			
	231.	6,432,106 B1	Aug 13, 2002	Fraser			
	232.	6,436,098 B1	Aug 20, 2002	Michelson			
	233.	6,436,119 B1	Aug 20, 2002	Erb et al.			
	234.	6,436,140 B1	Aug 20, 2002	Liu et al.			
	235.	6,436,142 B1	Aug 20, 2002	Paes et al.			
	236.	6,440,168 B1	Aug 27, 2002	Cauthen			
	237.	6,443,990 B1	Sep 3, 2002	Aebi et al.			
	238.	6,447,512 B1	Sep 10, 2002	Landry et al.			
	239.	6,447,544 B1	Sep 10, 2002	Michelson			
	240.	6,447,547 B1	Sep 10, 2002	Michelson			
	241.	6,451,019 B1	Sep 17, 2002	Zucherman et al.			
	242.	6,451,020 B1	Sep 17, 2002	Zucherman et al.			
	243.	6,454,804	Sep 24, 2002	Ferree			
	244.	6,454,807 B1	Sep 24, 2002	Jackson			
	245.	6,458,159 B1	Oct 1, 2002	Thalgott			

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	246.	6,461,359 B1	Oct 8, 2002	Tribus et al.			
	247.	6,468,310 B1	Oct 22, 2002	Ralph et al.			
	248.	6,471,724 B2	Oct 29, 2002	Zdeblick et al.			
	249.	6,475,219 B1	Nov 5, 2002	Shelokov			
	250.	6,478,796 B1	Nov 12, 2002	Zucherman et al.			
	251.	6,478,822 B1	Nov 12, 2002	Leroux et al.			
	252.	6,478,823 B1	Nov 12, 2002	Michelson			
	253.	6,482,233	Nov 19, 2002	Aebi et al.			
	254.	6,482,235 B1	Nov 19, 2002	Lambrecht et al.			
	255.	6,488,710 B2	Dec 3, 2002	Besselink			
	256.	6,485,517 B1	Nov 26, 2002	Michelson			
	257.	6,500,178 B2	Dec 31, 2002	Zucherman et al.			
	258.	6,500,205 B1	Dec 31, 2002	Michelson			
	259.	6,503,279 B1	Jan 7, 2003	Webb et al.			
	260.	6,514,256 B2	Feb 4, 2003	Zucherman et al.			
	261.	6,517,580 B1	Feb 11, 2003	Ramadan et al.			
	262.	6,520,993 B2	Feb 18, 2003	James et al.			
	263.	6,520,996 B1	Feb 18, 2003	Manasas et al.			
	264.	6,524,312 B1	Feb 25, 2003	Landry et al.			
	265.	6,527,773 B1	Mar 4, 2003	Lin et al.			
	266.	6,527,804 B1	Mar 4, 2003	Gauchet et al.			
	267.	6,527,806 B2	Mar 4, 2003	Ralph et al.			
	268.	6,530,933 B1	Mar 11, 2003	Yeung et al.			
	269.	6,530,955 B2	Mar 11, 2003	Boyle et al.			
	270.	6,540,785 B1	Apr 1, 2003	Gill et al.			

## U.S. PATENTS

Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	271.	6,547,823 B2	Apr 15, 2003	Scarborough et al.			
	272.	6,548,002 B2	Apr 15, 2003	Gresser et al.			
	273.	6,554,863 B2	Apr 29, 2003	Paul et al.			
	274.	6,558,386 B1	May 6, 2003	Cragg			
	275.	6,558,387 B2	May 6, 2003	Errico et al.			
	276.	6,558,390 B2	May 6, 2003	Cragg			
	277.	6,558,423 B1	May 6, 2003	Michelson			
	278.	6,558,424 B2	May 6, 2003	Thalgott			
	279.	6,562,073 B2	May 13, 2003	Foley			
	280.	6,562,074 B2	May 13, 2003	Gerbec et al.			
	281.	6,565,570	May 20, 2003	Sterett et al.			
	282.	6,569,201 B2	May 27, 2003	Moumene et al.			
	283.	6,572,653 B1	Jun 3, 2003	Simonson			
	284.	6,572,654 B1	Jun 3, 2003	Santilli			
	285.	6,575,982 B1	Jun 10, 2003	Bonutti			
	286.	6,576,016 B1	Jun 10, 2003	Hochshuler et al.			
	287.	6,576,017 B2	Jun 10, 2003	Foley et al.			
	288.	6,579,318 B2	Jun 17, 2003	Varga et al.			
	289.	6,579,320 B1	Jun 17, 2003	Gauchet et al.			
	290.	6,579,321 B1	Jun 17, 2003	Gordon et al.			
	291.	6,582,432 B1	Jun 24, 2003	Michelson			
	292.	6,582,437 B2	Jun 24, 2003	Dorchak et al.			
	293.	6,582,468 B1	Jun 24, 2003	Gauchet			
	294.	6,682,562	Jan 27, 2004	Viart et al.			
	295.	6,706,070	Mar 16, 2004	Wagner et al.			

U.S. PATENTS							
Examiner Initial		Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	296.	6,740,118	May 25, 2004	Eisermann et al.			
	297.	6,755,841 B2	Jun 29, 2004	Fraser et al.			
U.S. PATENT PUBLICATIONS							
Examiner Initial		Patent Application Publication Number	Publication Date	Applicant			
	298.	US 2002/0128715 A1	Sep 12, 2002	Bryan et al.			
	299.	US 2003/0208273 A1	Nov 6, 2003	Eisermann et al.			
	300.	US 2004/0073313 A1	Apr 15, 2004	Link et al.			
	301.	US 2004/0117022 A1	Jun 17, 2004	Marnay et al.			
PENDING U.S. PATENT APPLICATIONS							
Examiner Initial		Application Number	Filing Date	Inventor	Petition to Expunge?		
					Yes	No	

FOREIGN PATENT DOCUMENTS							
Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Abstract Yes   No
	302.	CA2015507	Jan 6, 1991	Canada			X
	303.	DE4012622	Jul 18, 1991	Germany			X
	304.	EP 0307241 B1	Mar 15, 1989	EPO			X
	305.	FR2707864	Jan 27, 1995	France			X
	306.	FR2717066	Sep 15, 1995	France			X
	307.	FR2717068	Sep 15, 1995	France			X
	308.	FR2730156 A1	Aug 9, 1996	France			X
	309.	FR2780269 A1	Dec 31, 1999	France			X
	310.	FR2806614 A1	Sep 28, 2001	France			X
	311.	WO 00/04851	Feb 3, 2000	PCT			X
	312.	WO 00/13619	Mar 16, 2000	PCT			X

## FOREIGN PATENT DOCUMENTS

Examiner Initial		Document Number	Publication Date	Country	Class	Subclass	Abstract Yes   No
	313.	WO 00/13620	Mar 16, 2000	PCT			X
	314.	WO 90/00037	Jan 11, 1990	PCT			X
	315.	WO 95/31158 A	Nov 23, 1995	PCT			X
	316.	WO 99/26562	Jun 3, 1999	PCT			X
	317.	WO 99/59669	Nov 25, 1999	PCT			X
	318.	WO 00/23015 A1	Apr 27, 2000	PCT			X

## OTHER DOCUMENTS (Include author (if any), title, publisher and place of publication, date and pertinent pages)

	319.	Ceramic Interspinous Block (CISB) Assisted Anterior Interbody Fusion, Haruo Tsuji, Norikazu Hirano, Yoshiharu Katoh, Hiroshi Ohsima, Hirokazu Ishihara, Hisao Matsui, and Yohihiko Hayashi, <i>Journal of Spinal Disorders</i> Vol. 3. No.1, pp 77-86, c1990 Raven Press, Ltd., New York
	320.	Instrumentation and Implants for Spinal Surgery, J. Dabb, <i>Diary of the XVIIIth Scientific Meeting of the PTO Tr/Pamietnik XVIII Zjazdu Naukowego PTO Tr/PZ, WL, Warszawa</i> , Link America Inc., 1971, 665
	321.	Spinal Stenosis and Neurogenic Claudication, Richard W. Porter, MD, FRCS, FRCSE, <i>SPINE</i> Vol. 21, Number 17, pp 2046-2052, c1996, Lippincott-Raven Publishers
	322.	Preliminary Design and Experimental Studies of a Novel Soft Implant for Correcting Sagittal Plan Instability in the Lumbar Spine, R.J. Minns, BEng, Msc, PhD, DscTech, and W.K. Walsh, FRCS, <i>SPINE</i> Vol. 22, Number 16, pp 1819-1827, c1997, Lippincott-Raven Publishers

Examiner

Date Considered

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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